

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	MB Docket No. 17-106
Elimination of Main Studio Rule	)	
	)	

To: The Commission

**COMMENTS OF GARVEY SCHUBERT BARER’S  
MEDIA, TELECOM AND TECHNOLOGY GROUP**

Garvey Schubert Barer’s Media, Telecom and Technology Group (“GSB’s Media Group”) hereby respectfully submits these Comments in response to the Notice of Proposed Rulemaking issued on May 18, 2017, in the above-captioned proceeding.<sup>1</sup>

In the recent NPRM, the Federal Communications Commission (“FCC” or “Commission”) proposes eliminating 47 CFR §73.1125, the “rule that requires each AM, FM, and television broadcast station to maintain a main studio located in or near its community of license” (the “Main Studio Rule”), as well as eliminating the “staffing and program origination capability requirements” that are associated with the Main Studio Rule.<sup>2</sup>

The primary regulatory justifications for the Main Studio Rule have been eliminated. The program origination requirement was eliminated in 1987.<sup>3</sup> Then the Commission’s public inspection file requirements were modernized and moved online.<sup>4</sup> In January of this year, the

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<sup>1</sup> *Elimination of Main Studio Rule*, Notice of Proposed Rulemaking, 32 FCC Rcd 4415, 4415 ¶ 1 & 4418 ¶ 6 (2017) (“NPRM”).

<sup>2</sup> GSB’s Media Group represents radio and television broadcast licensees that are directly impacted by the existing requirements and would be benefit from the Commission’s efforts to update its rules to reflect the current technological and economic realities.

<sup>3</sup> NPRM at 4419 ¶ 9.

<sup>4</sup> NPRM at 4415 ¶ 1 & n.4.

Commission repealed the local correspondence file rule.<sup>5</sup> Additionally, technology has made the local studio unnecessary for listeners to access or communicate with their local stations.<sup>6</sup>

GSB's Media Group supports the proposal and thanks the Commission for acknowledging its Petition for Rulemaking in its NPRM.<sup>7</sup> Repeal of the Main Studio Rule would reduce unnecessary regulatory and economic burdens by providing increased flexibility as well as lowering administrative and compliance costs currently incurred by radio and TV broadcast stations. The repeal would remove regulatory hurdles, make it more efficient for stations to co-locate their facilities, and allow stations to put more resources into programming.<sup>8</sup>

# **I. REPEAL OF THE MAIN STUDIO RULE WOULD ALLOW BROADCASTERS TO REALIZE EFFICIENCIES WHILE MAINTAINING LOCAL SERVICE OBLIGATIONS**

The impracticality of the Main Studio Rule is widely acknowledged. The requirement was developed almost 80 years ago based on the legacy concept that in-person visits from community members are the best way for stations to connect with local listeners.

The Main Studio Rule places a significant financial burden on small stations, which must devote scarce resources to maintaining their main studios during business hours and employing full-time managerial and staff personnel. By eliminating the Main Studio Rule, stations could serve their communities while realizing substantial and necessary cost savings by maintaining fewer offices and smaller staff.<sup>9</sup>

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<sup>5</sup> *Revisions to Public Inspection File Requirements – Broadcaster Correspondence File and Cable Principal Headend Location*, Report and Order, 32 FCC Rcd 1565 (2017).

<sup>6</sup> NPRM at 4418 ¶ 6 fn 24.

<sup>7</sup> NPRM at 4418 ¶ 6.

<sup>8</sup> NPRM at 4418 ¶ 7.

<sup>9</sup> *See Application for Review of Jones Eastern of the Outer Banks, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 3615, 3616 (1991)(finding that “a main studio must, at a minimum, maintain full-time managerial and full-time staff personnel...during normal business hours to be considered ‘meaningful.’”).

In addition, providing broadcasters with the flexibility to structure their operations more efficiently will lead to an elimination of the Commission's current waiver request scheme, further reducing administrative costs. This will have the most immediate benefit for public broadcasters where waivers are routinely granted but where licensees have had to devote their limited resources towards applying for main studio waivers as part of the cost of acquiring a new station.

Not only do licensees have the ability to continue to meet their "bedrock" local service obligations without a main studio, but competitive marketplace forces will ensure that stations will continue to be accessible and responsive to their audiences. Licensees will be motivated by competitive market pressures to continue to meet their "bedrock" obligation to serve the needs and interests of their local communities. Public interaction with station staff is readily available via telephone and the internet, and via the FCC's online public inspection file database. Furthermore, the license renewal process continues to invite public input and comment.

Eliminating the Main Studio Rule could therefore greatly reduce the regulatory and economic burdens that broadcasters face, especially small stations that are expending their very limited resources to comply with minimum operation and staffing requirements, without harming the relationship that these stations have with their communities.

## **II. TECHNOLOGY, CONSUMER PREFERENCE, AND PRIOR COMMISSION ACTIONS HAVE ELIMINATED THE RATIONALE FOR THE MAIN STUDIO RULE**

Technology has progressed to the point where a broadcaster can deliver responsive local programming without the economic drain of maintaining a main studio within an arbitrary geographic area. Without a mandated local physical presence, stations can manage their operations remotely and invest the administrative cost savings into deepening their local programming or local journalism.

The near ubiquity of remote communication in the form of cell phones, email, and social media, have made in-person visits from community members unnecessary, if not obsolete.<sup>10</sup> As Commissioner O’Rielly has pointed out, the justification for the Main Studio Rule has been “significantly weakened” due to the public’s virtually universal choice to contact their local stations via telephone, mail, or (more recently) online.<sup>11</sup> And this change in consumer preference has been recognized by the Commission in rulemakings since at least 1987.<sup>12</sup>

In January of this year, the Pew Research Center released the results of its multi-year research tracking cell phone, internet, and social media usage in the United States. These studies show that 95% of Americans now own a cell phone,<sup>13</sup> roughly 75% of American adults have broadband internet service in their homes,<sup>14</sup> and approximately 69% of the public uses some type of social media.<sup>15</sup>

The modern reality of, and overwhelming preference for, remote communication will allow stations to continue to be responsive to local interests and concerns – and to do so without the unnecessary regulatory cost of maintaining a main studio.

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<sup>10</sup> NPRM at 4418 ¶ 8.

<sup>11</sup> Michael O’Rielly, Comm’r, FCC, Address at the 2017 Hispanic Radio Conference, at p.3 (Mar. 28, 2017) available at [http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2017/db0328/DOC-344114A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0328/DOC-344114A1.pdf).

<sup>12</sup> *Amendment of Sections 73.1125 and 73.1130 of the Commission’s Rules, the Main Studio and Program Origination Rules for Radio and Television Broadcast Stations*, Report and Order, 2 FCC Rcd 3215, 3218 ¶ 32 (1987); *See Review of the Commission’s Rules Regarding the Main Studio and Local Public Inspection Files of Broadcast Television and Radio Stations*, Report and Order, 13 FCC Rcd 15691, 15702 ¶ 22 (1998).

<sup>13</sup> <http://www.pewinternet.org/fact-sheet/mobile/>.

<sup>14</sup> <http://www.pewinternet.org/fact-sheet/internet-broadband/>.

<sup>15</sup> <http://www.pewinternet.org/fact-sheet/social-media/>.


### III. CONCLUSION

The Commission has eliminated most, if not all, of the primary justifications for the Main Studio Rule – first removing the program origination requirement, then moving the public inspection file online, and most recently repealing the local correspondence file rule. Thus, technology, consumer preference, and the Commission's regulatory changes have eliminated the rationale for the Main Studio Rule.

For the reasons stated above, GSB's Media Group supports eliminating the main studio requirement for radio and television broadcast stations.

Respectfully submitted,

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